

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAWN STEWART

AFFIDAVIT

Plaintiff,

-against-

POLICE OFFICER STEPHANIE DAVIS, SHIELD # 28218,
POLICE OFFICER BRIAN HIRSCHMAN, SHIELD # 22623

Docket No.: 22-CV-3583
(JER)

Defendants/Third Party-Plaintiffs,

THE CITY OF NEW YORK,

Third-Party Defendants
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DEFENDANT POLICE OFFICER DAVIS, being duly sworn deposes and says:

1. I joined the New York City Police Department on July 1st, 2002, and retired on July 30th, 2022.
2. I held the rank of Police Officer continuously from July of 2002 until September 25th, 2019, the date of the incident that is the subject of this case.
3. As a result of the incident, in October 2021, I was served with NYPD Charges and Specifications, which alleged that I improperly questioned, stopped, frisked, and searched Plaintiff.
4. I have always maintained that my interaction with Plaintiff was undertaken in good faith, and that I intended to locate the person who called for help as quickly as possible.
5. I have always maintained that my actions were lawful.
6. At some point while the disciplinary case against me was pending, I was told that I could accept a negotiated settlement rather than take the case to trial at the NYPD trial room.

7. I was never advised and was, therefore, completely unaware that if I accepted the negotiated settlement instead of taking the case to trial, the City of New York could refuse to represent and indemnify me if a civil case was filed.
8. When I was offered the negotiated settlement in early 2022, I felt immense pressure to retire from the NYPD.
9. My middle son suffers from a severe case of Autism and was also diagnosed with ADHD and anxiety when he was an infant.
10. At or about that time I was offered the negotiated settlement, I was being forced to work without days off because of the fallout from the COVID-19 pandemic and other chaotic events within the NYPD.
11. I was also working unsteady tours (meaning my days off changed constantly) with mandatory overtime.
12. This work schedule negatively impacted my ability to care for my family.
13. Specifically, my job scheduled negatively impacted my ability to manage my son's disabilities which took a turn for the worse during the pandemic.
14. As a result of his disabilities, my son was struggling in school, constantly acting out, and exhibiting signs of depression and anxiety.
15. My oldest son, who has been diagnosed with ADHD, was also struggling in high school at the time.
16. As a result of my children's disabilities, I was required to attend many school meetings, obtain additional educational resources for my children, and be present to administer medication that was only effective if my son was in a calm state.

17. At the time, I was also suffering with my mental health struggles as a result of my time working for the NYPD, which resulted in mental health treatment.
18. Given the above issues, I felt I had no choice but to retire from the NYPD.
19. I was advised that I could only receive my full-service retirement and all the benefits I had earned through my years of service if I waited for a trial date or accepted the negotiated settlement.
20. I was told that it could take two years to get a trial date and would have to wait even longer for a decision and final disposition.
21. Given the issues I faced, I felt it was nearly impossible to wait that long to protest my innocence.
22. I felt I had no choice but to accept the negotiated settlement, and retire to care for my family.
23. I signed off on the settlement in March 2022 and used my accrued vacation time to be home with my family until July 2022, when I would be eligible for my full-service retirement.
24. I retired from service on July 30th, 2022.
25. After accepting the negotiated settlement, I learned that the Plaintiff had filed this civil case.
26. I requested that the City of New York represent me in the case but was declined because of my discipline.
27. If I had known that accepting the negotiated settlement would allow the City to refuse to indemnify me, making it possible that I will be personally liable for tens of thousands of

dollars, I would have done my best to attempt to manage my family issues while continuing to work at the NYPD until I could have a department trial and protest my innocence.

Dated: New York, New York
March 10, 2025



Stephanie Davis

Sworn to me this 10th day

of March, 2025



Notary Public

Douglas LaBarbera

NOTARY PUBLIC STATE OF NEW YORK

Registration No. 02LA001487

Qualified in Nassau County

Commission Expires October 24, 2027